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Minutes
Forney City Council
Tuesday, April 6, 2021
6:30 p.m. Regular Meeting
City Hall, 101 E. Main Street, Forney, Texas 75126

The general public can view the meeting live on our video stream at <https://www.forneytx.gov/803/Watch-Meetings>. If you wish to address the Council on any subject or in open forum at this meeting, you are required to email registration@forneytx.gov no later than Tuesday, April 6, 2021, by 1:00 p.m. You must provide your name and telephone number and state which item(s) you wish to speak on. You will be provided a telephone number and meeting ID which you must dial into 15 minutes prior to the scheduled meeting start time. Due to technical restrictions, those who fail to dial into the meeting at the prescribed time may forfeit their ability to speak at said meeting.

I. CALL TO ORDER

Mayor Penn called the meeting to order at 6:36 p.m. Present were Mayor Mary Penn, Mayor Pro Tem Shaun Myers and Council Members James Traylor, Robbie Powers, Kevin Moon, Derald Cooper and David Johnson.

II. INVOCATION – COUNCIL MEMBER JAMES TRAYLOR

Pastor Nick Edwards gave the invocation.

Council Member Johnson had technical difficulties and left the meeting.

III. APPROVAL OF MINUTES

1. **Consider approval of the Minutes of the March 16, 2021, City Council meeting.**

Mayor Penn asked if Council had any changes to the Minutes. There being no changes, Mayor Penn called for a motion. Council Member Moon made a motion to approve the Minutes of the March 16, 2021, City Council meeting and Council Member Traylor seconded the motion. The motion passed by a vote of 6 ayes and 1 absent [Johnson].

IV. CONSENT AGENDA

The items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted in one motion. There will be no separate discussion of these items unless requested by a Council Member.

1. **Consider approval of assignment of investment advisory agreement to Meeder Public Funds, Inc.**
2. **Consider approval of the acceptance of public improvements for the Gateway Infrastructure Phase III project.**
3. **Consider action to authorize staff to apply for grant funding for Ballistic Vests and related PPE from the Firehouse Subs Public Safety Foundation.**
4. **Consider a Resolution awarding an Annual Price Agreement for Concrete Maintenance to MB Construction, INC, and Summit Paving, LLC, and all related issues.**

56 Mayor Penn announced that we have a speaker who wants to address Consent Agenda Item
57 #3. The following person spoke regarding this item:

58
59
60
61
62

Brandie Jones
Ms. Jones stated that we are lucky to have Chief Briggs and hopes that the
Council will back him.

63 Mayor Penn asked if Council wanted to pull any of the Consent Agenda Items for discussion.
64 No items were pulled, so Mayor Penn asked for a motion. Council Member Cooper made a
65 motion to approve the entire Consent Agenda and Council Member Traylor seconded the
66 motion. The motion passed by a vote of 6 ayes and 1 absent [Johnson].

67

68 **V. PUBLIC HEARING ITEMS / ACTION ON PUBLIC HEARING ITEMS**

69

- 70 **1. Public Hearing on the proposed annexation of approximately 21.073**
71 **acres of land located in the Absalom Hyer Survey, Abstract 203 on**
72 **County Road 212, owned by Platform 80-20, LP and discussion and**
73 **possible action on an Ordinance approving the annexation.**

74

75 City Attorney Jon Thatcher discussed this item. The City of Forney received a petition for
76 annexation from Platform 80-20, LP for an approximate 21.073 acres of land on County Road
77 212. This property is part of a proposed development for light industrial purposes on CR 212. The
78 City of Forney entered into a development agreement on December 15, 2020 with the property
79 owner for the full development of the proposed project. Earlier this year, in January, the City
80 Council approved the annexation of approximately 25 acres for this proposed development. Since
81 this action, Platform 80-20 has acquired this additional acreage to include in the development.
82 The above referenced development provided for the additional land in the case that it was
83 ultimately acquired by the developer group. With its acquisition, it is desired to include the
84 additional land in the development. The property considered for annexation is adjacent to the city
85 limits on the southeastern side of the property as well as across CR 212.

86

87 The proposed annexation is pursuant to Subchapter C-3 of Chapter 43 of the Texas Local
88 Government Code. One public hearing is required prior to the consideration of any ordinance
89 approving the annexation.

90

91 Public utilities as well as the County and the School District have been provided with notice of the
92 public hearing for the proposed annexation. Additionally, the City has qualified that the
93 aforementioned development meets the requirements in Section 43.0672 of the Texas Local
94 Government Code proposing the services and schedule to be provided to the property upon
95 annexation.

96

97 Following the public hearing, the City Council may consider action on the proposed ordinance to
98 approve the annexation.

99

100 Mayor Penn opened the public hearing. The following persons were available to answer any
101 questions that the Council might have.

102

103 Justin Day
104 Tyler Wood
105 Laura Hoffman

106

107 Council had no questions or comments on this item, so Mayor Penn called for a motion. Mayor
108 Pro Tem Myers made a motion to approve the annexation of approximately 21.073 acres and
109 Council Member Powers seconded the motion. The Ordinance caption was read as follows:

110
111 **ORDINANCE NO. 21-12**

112
113 **AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF**
114 **FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID**
115 **CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY**
116 **LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS**
117 **AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE**
118 **ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING**
119 **A SERVICE PLAN OR AGREEMENT.**

120
121 The motion passed by a vote of 6 ayes and 1 absent [Johnson]

122
123 Council Member Johnson was able to join the meeting at this time.

124
125 **VI. DISCUSSION / ACTION ITEMS**

- 126
127 **1. Discuss and consider a Resolution approving an Amendment to the**
128 **Development Agreement between the City of Forney and Platform 80-**
129 **20, LP for the development of an approximate 60 acres of land located**
130 **on CR 212.**

131
132 City Attorney Thatcher discussed the background of this item. In December 2020, the City Council
133 approved a development agreement with Platform 80-20, LP for the full development of
134 approximately 60 acres. This includes the additional 21 acres recently acquired by the developer,
135 which is being considered for annexation into the city limits.

136
137 The Development Agreement provides for the development of the property for warehouse or
138 distribution center buildings. The development agreement contemplated a light industrial zoning
139 with a few additional regulations. Included in these additional regulations is a prohibition of parking
140 or "stacking" on CR 212 of any commercial vehicles.

141
142 The developer now requests to amend the development agreement to provide for other
143 development regulations, which will allow for consideration of a planned development zoning with
144 a light industrial base classification rather than a straight light industrial zoning. The development
145 regulations to be considered are consistent with similar developments on CR 212 and Gateway
146 Blvd/Akron Way.

147
148 Mayor Penn stated the following persons were available to answer any questions the Council
149 might have on this item:

150
151 Justin Day
152 Tyler Wood
153 Laura Hoffman

154
155 There being no discussion, Mayor Penn called for a motion. Council Member Powers made a
156 motion to approve the Resolution and Council Member Moon seconded the motion. The motion
157 passed unanimously by a vote of 7 ayes and 0 nays.
158

159 **2. Discuss and consider a Resolution awarding a contract with Franco**
160 **Tennis Academy for tennis league and instruction services.**
161

162 Parks Director Kyle Rouvaldt discussed the background of this item. In early 2021, the Parks and
163 Recreation staff along with the City Attorney compiled an RFQ for Tennis League and Instruction
164 Services. The idea behind the RFQ was to seek qualifications from an individual, group or
165 business to provide tennis instruction for all residents of the City. This “sports partner” would also
166 assist the City on any future tennis/pickleball leagues or tournaments.
167

168 On February 11, 2021, the City published and advertised the RFQ. The City received only one
169 submission, that being from the Franco Tennis Academy.
170

171 After a lengthy discussion process and overview of what the Franco Tennis Academy was
172 offering, staff decided to proceed with the lone submission and on March 17, 2021 it was brought
173 before the Parks and Recreation Board.
174

175 During the March 2021 Parks Board Meeting, the Parks Board unanimously recommended
176 approval of the agreement, with the stipulation that the contract would be for one year and after
177 the one year, staff would evaluate the partnership. Staff agreed and was good to proceed.
178

179 The following person was available to answer Council questions:
180

181 Andres Franco

182 Mr. Franco stated that his office is in Frisco. He also serves The Colony and Little
183 Elm. He stated he is excited to bring his services to Forney.
184

185 The drop-in rate for adults for 1 day will be \$19.00. They should be able to start services fairly
186 quickly. Depending on feedback, they will make decisions on leagues, etc. later. Mayor Penn
187 called for a motion. Council Member Powers made a motion to approve the Resolution and
188 Council Member Cooper seconded the motion. The motion passed unanimously by a vote of 7
189 ayes and 0 nays.
190

191 **3. Discuss and consider a Resolution approving a Public Improvement**
192 **District Consulting Services Agreement for PID Administration**
193 **services for the Public Improvement District related to the Bellagio**
194 **Laguna Azure project; and authorize the City Manager to execute a**
195 **contract for services.**
196

197 City Attorney Thatcher discussed the background of this item. On January 19, 2021, the City
198 Council approved a Resolution approving a Development Agreement between the City of Forney
199 and Bellagio Laguna Azure, LLC for a large residential/commercial/retail development with a
200 laguna amenity. The Development Agreement contemplated receiving a petition for the creation
201 of a public improvement district to assist with the financing of the public improvements to serve
202 the development.
203

204 The City has asked for a scope of work from DTA (formerly known as David Taussig & Associates)
205 who is currently the City’s PID Administrator on the two public improvement districts in the Villages
206 of Fox Hollow. The scope of work includes consulting services to assist the City with the review
207 and analysis of PID creation petition and drafting of the Service and Assessment Plan necessary
208 to create the PID.
209

210 The Development Agreement provides that the consulting services for the above referenced
211 services as well as the City's Financial Advisors on the PID for the proposed development will be
212 reimbursed to the City by the developer.

213
214 Staff recommends that the City Council approve the Resolution authorizing the City Manager to
215 execute the agreement with DTA. There will be no cost to the City.

216
217 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the
218 Resolution and Council Member Powers seconded the motion. The motion passed unanimously
219 by a vote of 7 ayes and 0 nays.

220
221 **4. Discuss and consider a Resolution of Intent to Establish a City of**
222 **Forney Property Assessed Clean Energy ("PACE") Program, and all**
223 **related actions.**
224

225 This item was pulled. No discussion or action was taken on this item.

226
227 **5. Discuss and consider action on a Resolution approving an**
228 **expenditure under Section 501.073 Texas Local Government Code**
229 **and a Performance Agreement between the Forney Economic**
230 **Development Corporation and Best Massage Ever, LLC.**
231

232 City Attorney Thatcher discussed this item. Best Massage Ever, LLC (Applicant) submitted an
233 Amended Application for Incentives. A Performance Agreement between the FEDC and Best
234 Massage Ever, LLC was approved at the FEDC's regular meeting on March 11, 2021. The City
235 must approve any expenditure of FEDC funds pursuant to Section 501.073 Texas Local
236 Government Code before any grant is made.

237
238 The economic development project covers the creation and maintenance of seven (7) full-time
239 equivalent employment positions at Best Massage Ever, a spa and massage parlor located at
240 522 Pinson Road, Forney, Texas 75126, contingent upon the positions being filled by the
241 employees for one (1) year.

242
243 Applicant will be responsible for employing and maintaining a minimum of seven (7) full-time
244 equivalent employment positions for a minimum of one (1) year.

245
246 The Applicant, Victoria Mayhew, was present to answer any questions that the Council might
247 have. She stated that the grant will pay her payroll. Everyone is licensed per the State.

248
249 Mayor Penn called for a motion. Council Member Johnson made a motion to approve the
250 Resolution and Council Member Moon seconded the motion. The motion passed unanimously
251 by a vote of 7 ayes and 0 nays.

252
253 **6. Discuss and consider board and commission appointments: Board of**
254 **Adjustment; Park and Recreation Board; and the TIF Board.**
255

256 City Secretary Brooks discussed the background of this item. Brooks stated that there are three
257 boards that have vacancies: Board of Adjustment (1), Park Board (1), and TIF Board (2). Council
258 Member Traylor made a motion to table this item, but the motion failed for lack of a second.
259 Council Member Myers made a motion to appoint Jim Sanders to the Park Board and Council
260 Member Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0
261 nays. Council decided to postpone making any appointments to the Board of Adjustment or the
262 TIF Board and instructed Staff to advertise those positions on the website/social media.

263
264 **7. Discuss and consider action on the open meeting practices for the**
265 **City Council and the individual boards and commissions.**
266

267 City Attorney Thatcher stated that this item was being brought back to the Council for discussion
268 per their instructions at the last meeting. Mayor Penn stated that the following person had
269 requested to speak on this item:
270

271 Brandie Jones

272 Ms. Jones stated that she would like to see the Council meetings open to the
273 public.
274

275 After discussion, Council Member Johnson made a motion to open the meetings to the public
276 under the conditions that masks are required and that there will be 6-foot social distancing.
277 Council Member Traylor seconded the motion and the motion passed by a vote of 5 ayes and 2
278 nays [Myers and Powers].
279

280 Council took a break at 7:39 p.m. Mayor Penn called the meeting back to order at 7:48 p.m.
281

282 **8. Overview of the Finance/HR/Court/Utilities Departments current and**
283 **future plans.**
284

285 Finance Director Deborah Woodham discussed this item.
286

287 Finance Department

288
289 The Finance Department is responsible for:
290

- 291 • Budget
 - 292 ▪ Thirteen consecutive GFOA Distinguished Budget Presentation Awards
- 293 • Comprehensive Annual Financial Reports
 - 294 ▪ Twenty-two consecutive GFOA Certificates of Achievement for Excellence in
 - 295 Financial Reporting
- 296 • Accounts Payable
- 297 • Accounts Receivable
- 298 • Bonds
- 299 • Banking

300
301 Utility Billing

302
303 The Utility Billing Department is responsible for:
304

- 305 • Billing and Collection for water, sewer, and solid waste

306
307 Meter reads are up 95% and we are doing drive-by reads.
308

- 309 • Sewer Averaging
- 310 • Establish new accounts
- 311 • Install new meters
- 312 • Read meters
- 313 • Customer Service

315 Municipal Court

316

317 Municipal Court is responsible for:

318

- 319 • Collect Fines
- 320 • Conduct Trials
- 321 • Issue Warrants of Arrest
- 322 • Prisoner Arraignment

323

324 When Covid hit, the Municipal Court went to virtual/zoom hearings. The Court would like to
325 continue virtual hearings at least once a month. This was helpful for people who do not live in
326 Forney and were just driving through Forney when they received a ticket. In May it will be the first
327 time in a year that they will have public hearings.

328

329 HR Department

330

331 The HR Department is responsible for:

332

- 333 ▪ Hiring, recruitment, and screening of applicants
- 334 ▪ Onboarding
- 335 ▪ Pay plan administration
- 336 ▪ Bi-weekly payroll
- 337 ▪ Benefits Management
- 338 ▪ Employee relations

339

340 The HR Department recently brought in-house payroll and timesheets, which is saving the City
341 approximately \$50,000 to \$60,000 per year. No new personnel have been hired to do this.

342

343 **9. Overview of the Fire Department current and future plans.**

344

345 Fire Chief Derek Briggs discussed this item.

346

347 Where we came from:

348

349 Volunteer Fire Department

- 350 ▪ Transitioned from all volunteer just over 19 years ago
- 351 ▪ Began with a single daytime firefighter, most days of the week, and grew from there

352 Combination Fire Department

- 353 ▪ Career and volunteer staffing
- 354 ▪ 2010 – 12 full-time employees across three shifts

355 Career Fire Department

- 356 ▪ Full-time and part-time employees
- 357 ▪ 33 full-time employees across three shifts
- 358 ▪ 7 part-time employees

359

360 2001 Kaufman County ESD#6 was formed – This covers the Fisd area/80 square miles.

- 361 ▪ Contracted Emergency Services with Forney Fire Department/City of Forney

362 Became two fire station department when Fire Station #2 opened in 2017

- 363 ▪ Prior to this all calls for service answered throughout the response area from Current Fire
364 Station #1 – 104 E. Aimee St.

365 Progression from Basic Life Support (BLS) to limited Advanced Life Support (ALS)

- 366 ▪ 5-6 Paramedics
- 367 ▪ 3 Advanced Emergency Medical Technicians (EMT's)
- 368 ▪ Limited ALS Protocols

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Where we are

Integrating technology into all aspects of the Fire Department

- Technology based personnel scheduling system
- Inventory control/asset tracking
- Apparatus maintenance inspections/repair requests
- Mobile data terminals in response apparatus
- Pre-fire planning inspections and Life Safety Inspections transitioned from paper to digital platforms
- Fire Marshal plans review process moved to digital platform
- Digital Learning Management System for basic level CE
- Station alerting platform
- Developing scripted response plans for apparatus assignment to calls for service

Upgrading equipment

- Developing replacement schedules for improved capital and non-capital asset management
- Based on NFPA Standards

Increasing EMS service capabilities

- 8 personnel attending paramedic school currently
- Exploring equipment needs for increased service delivery

Implementing employee development plans for all ranks/job descriptions

- Training
- Education

Continue to explore opportunities for improvement

- Personnel development/leadership
- Technology that enhance efficiencies
- Update and refine department policies and procedures
- Pursue Texas Fire Chiefs Association Best Practices recognition
- Develop electronic field reporting platform once Tyler/New World integration is complete

Continue to strengthen our Insurance Services Office Public Protection Classification (ISO PPC)

Class 1 Rating

- 2010 – Class 4
- 2013 – Class 2
- 2018 – Class 1

Calls for service

- 2005 – 1,568
- 2010 – 2,847 and 504 inspection/pre-fire planning activities (FMO implemented)
- 2015 – 3,235 and 409 inspection/pre-fire planning activities
- 2020 – 4,748 and 989 inspection/pre-fire planning activities (2019-1,561)

Continue to work with City Staff on growth needs

- Personnel
- Facilities

Mayor Pro Tem Myers stated Chief Briggs did a good job on his presentation.

422 Council Member Moon thanked him for all that his does.

423
424 Council Member Johnson asked if they had any open positions. Briggs advised that they have
425 no vacancies at this time.

426
427 Mayor Penn stated that perhaps the Bond Committee can look at a new facility. It was an
428 awesome presentation and she is grateful for our Fire Department.

429
430 Council Member Powers thanked Chief Briggs and asked about fire hydrants. They should be
431 working and functional. Chief Briggs stated that they are having a meeting next week with the
432 Public Works Department to discuss this issue.

433
434 Council Member Traylor asked about staffing in 24-36 months given our growth. Chief Briggs
435 stated that if we won the lotto he would like 15 new positions and being able to fully staff the
436 Ladder Truck. We do not have a full staff for the Ladder Truck and this is a goal for him. To staff
437 the Ladder Truck, it would take a minimum of 3 to fully staff it with a safe, functional crew.
438 Currently, we do have some contingencies built in. If necessary, Administrative Staff can staff
439 the Ladder Truck and we also have an aide agreement with Terrell – they have a Ladder Truck.

440
441 Council would like an update on the hydrants and the Ladder Truck in a month.

442
443 **10. Update on our warning system.**

444
445 Deputy City Manager Neil Cardwell discussed this item. Since the last council meeting, we have
446 been able to gather additional information on the City of Forney Ground Warning System. The
447 staff has begun engaging with potential vendors based on comments of some Council members
448 wanting a Ground Warning System that covers all of Forney City limits.

449
450 Based on initial discussions, and a process of mapping out the City using acoustical analysis
451 provided by the vendors, Forney would need approximately 11 sirens to cover the entire City limits
452 with Tone only. To provide voice, which is what the three inoperable sirens are currently, we would
453 need 29 sirens. The number of sirens could increase if ideal locations are not available when
454 acquiring land or space.

455
456 It is my understanding that the three current sirens are not able to be repaired. They would need
457 to be replaced with new sirens. The three siren locations currently only cover approximately 25%
458 of the City.

459
460 The purchasing of the sirens is just one part of the process. Fiber would need to be run to each
461 location and the locations will need to be purchased. Should Council decide to go forward with
462 either replacing the three sirens or providing coverage for the entire City population, a formal RFP
463 for the Ground Warning system with desired requirements will need to be approved. Based on
464 the fact that formal proposals will need to be sought, an estimate of cost is only that an estimate.
465 For three sirens, the cost could exceed \$100,000 all inclusive. For the 11 sirens tone only, over 1
466 million dollars. For the 29 sirens with voice anywhere from 2 to 3 million dollars. Once Council
467 comes to a consensus on how to proceed, staff can move forward.

468
469 The following person signed to speak on this item:

470
471 **Brandie Jones**

472 Ms. Jones stated that it sounds like the Council is headed in the right direction in
473 getting the sirens upgraded and she appreciates them taking this under
474 consideration.

475
476 Staff will work with Finance during the budget season to get the warning system upgraded.
477 Cardwell with work Acting Police Chief Eudy, Chief Briggs and Emergency Management
478 Coordinator John Holcomb on putting together an RFP.
479

480 **VII. OPEN FORUM/CITIZEN COMMENTS**

481 This is the public's opportunity to address the City Council on any matter related to the City. In
482 accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss,
483 consider, or take action on matters not listed on the agenda. The City Council will receive citizen
484 comments on non-agenda items, and if necessary, may refer the matter to City staff for research,
485 resolution or referral to Council on a future agenda. As described in the City's Public Meeting
486 Procedures, comments will be limited to three (3) minutes.
487

488 Mayor Penn stated that we do have people who have signed up to speak tonight. The following
489 persons addressed the Council at this time:
490

491 John Hooker

492 Mr. Hooker stated that he is a Forney business owner. He feels that the
493 termination of Chief Lunt was spite motivated. Lunt is popular with the citizens and
494 would like to be reinstated. Hooker stated he would like for Lunt to be reinstated
495 immediately.
496

497 Misty Lawrenson

498 900 Gold Finch

499 Ms. Lawrenson does not believe Tony Carson is right for Forney. There are too
500 many employees who have left. It was good to see everyone come together during
501 the Ice Storm. The City Council is responsible for the city manager – get rid of
502 Carson and bring Lunt back.
503

504 Brandie Jones

505 Ms. Jones stated that the Council should not forget Lunt and Briggs. Bring Lunt
506 back and terminate Tony Carson. There is low morale for City employees and the
507 citizens. Open the position for the North Texas Municipal Water District and
508 question any applicants.
509

510 Nate Dettmer

511 Mr. Dettmer stated that he would like the Council to reconsider the user fee for
512 youth sports. The Park Board was not listened to – Carson directed Staff not to
513 inform the Council about Park Board recommendations regarding Dek Hockey or
514 user fees.
515

516 Jeremy Thomas

517 Mr. Thomas stated he is a business owner in Forney. He is looking for a 25,000
518 SF facility. He is concerned about the Carson and Lunt issue. The City needs to
519 reinstate Lunt. There is only a short period of time that you can gain citizen
520 backing.
521

522 Ronald Loken

523 Mr. Loken stated he is speaking on behalf of Lunt – please reinstate him as soon
524 as possible. Forney is in crisis and Carson is the cause of a toxic environment.
525

526 There being no one else to address the Council, Mayor Penn closed the open forum session.
527

528 **VIII. CITY MANAGER'S REPORT**

529 **THE CITY MANAGER WILL DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
530 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS FOR POSSIBLE**
531 **ACTION, INCLUDING THE FOLLOWING:**

532
533 Deputy City Manager Neil Cardwell stated he had no comments.
534

535 **IX. COUNCIL COMMENTS**

536 **PURSUANT TO SECTION 551.0415 TEX. GOV'T CODE, CITY COUNCIL MEMBERS MAY MAKE**
537 **A REPORT ABOUT ITEMS OF COMMUNITY INTEREST DURING A MEETING OF THE**
538 **GOVERNING BODY WITHOUT HAVING GIVEN NOTICE OF THE REPORT. ITEMS OF**
539 **COMMUNITY INTEREST INCLUDE:**

540
541 Council Member Cooper had no comments.
542

543 Council Member Powers thanked Ms. Woodham and everyone who did updates. She happy
544 everyone is online. The current situation was brought on by bullies – she hopes we can heal.
545 Please don't judge anyone. She hopes we go forward and heal. It has been chaos! She is
546 embarrassed by this city. She and Kevin talked and they have NEVER seen or heard things like
547 this. One of the callers was very hypocritical.
548

549 Mayor Pro Tem Myers stated that he is an emotional person. The Ice Storm actions were
550 something we could brag about. It has been ugly this past month and has been disappointing.
551 He thanked Staff for all that they do.
552

553 Council Member Johnson stated that in the 48 years that he has been in municipal government
554 he has never seen anything like this. Social media has made this bad. We need to work together.
555 What he has seen is mean spirited. Corporations look at this and based on what they see they
556 may not come to Forney. In 48 years, this is the worst! He thanked Staff for their hard work and
557 stated he appreciated them.
558

559 Council Member Traylor had no comments.
560

561 Council Member Moon thanked Staff and Chief Briggs. They were good reports. Please
562 reach out to the Council and Mayor – email us. Let's have a discussion. Do your own
563 research. I've received texts and they say awful things – but I can't reach them. Please call
564 us – be civil.
565

566 Mayor Penn thanked Staff. It is bullying and I'm not appreciative either. Chief Lunt was
567 bullied. I'm being bullied, too. I did what I thought was right.
568

569 Mayor Penn announced that Council will now adjourn into Executive Session under Texas
570 Government Code, Sections 551.071, 551.074 and 551.087 and ask for a motion to adjourn into
571 Executive Session. Council Member Johnson made a motion to adjourn into Executive Session
572 at 9:19 p.m. and Council Member Cooper seconded the motion. The motion passed unanimously
573 by a vote of 7 ayes and 0 nays.
574

575 **X. EXECUTIVE SESSION**

576 **PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE,**
577 **THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO**
578 **DISCUSS THE FOLLOWING:**

- 579
580 1. Consult with legal counsel regarding pending or contemplated litigation or
581 a settlement offer and/or matters in which the duty of the attorney to the

582 governmental body under Texas Disciplinary Rules of Professional
583 Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the
584 Texas Government Code (Tex. Gov't Code Section 551.071):
585

- 586 a. EEOC Charge No. 450-2020-04724, Ivey, Marquis v. City of
587 Forney
588
589 b. PUC Docket No. 47814; SOAH Docket No. 46-18-1344.WS –
590 Petition of High Point Water Supply Corporation, Talty Special
591 Utility District and Markout Water Supply Corporation Appealing
592 the Decision by the City of Forney Affecting Wholesale Water
593 Rates.
594

- 595 2. Deliberate the appointment, employment, evaluation, reassignment,
596 duties, discipline, or dismissal of a public officer or employee (Tex. Gov't
597 Code 551.074):
598

- 599 a. City Manager
600

- 601 3. Discuss or deliberate regarding commercial or financial information that the
602 governmental body has received from a business prospect that the
603 governmental body seeks to have locate, stay, or expand in or near the
604 territory of the governmental body and with which the governmental body
605 is conducting economic development negotiations, or to deliberate the offer
606 of a financial or other incentive to a business prospect (Tex. Gov't Code
607 Section 551.087):
608

- 609 a. Project Victory – Chapter 380 Agreement
610

611 **XI. RECONVENE INTO REGULAR SESSION**
612 **IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL**
613 **WILL RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS**
614 **DISCUSSED IN EXECUTIVE SESSION.**
615

616 Mayor Penn asked for a motion to adjourn out of Executive Session at 10:43 p.m. Council
617 Member Cooper made a motion to adjourn out of Executive Session and Council Member
618 Johnson seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.
619

620 Mayor Penn asked if there was any action to be taken as a result of Executive Session.
621

622 Council Member Moon made a motion to approve the two Chapter 380 Agreements and Council
623 Member Cooper seconded the motion. The motion passed unanimously by a vote of 7 ayes and
624 0 nays.
625

626 Mayor Pro Tem Myers made a motion to approve the separation agreement with Tony Carson
627 and appoint Karl Zook as the Interim City Manager. Council Member Traylor seconded the motion
628 and the motion passed unanimously by a vote of 7 ayes and 0 nays.
629

630 Mayor Penn asked if Council had any comments.
631

632 Council Members Powers, Cooper and Johnson had no comments.

633 Statement by Shaun Myers: I am grateful to have worked with Mr. Carson while serving as Mayor
634 Pro Tem of Forney. Through his leadership he has brought many of City Council's, as well as his
635 own ideas to fruition, worked with our Finance Department to bring the City of Forney to perhaps
636 the best position it has ever been financially, all while ensuring our entire staff receive the pay

637 and benefits, they all deserve. As Mayor Pro Tem of Forney, I want to thank him for his continued
638 professionalism and for always doing what was best for our city. As a citizen of Forney, I want to
639 thank him for his help in the progress this city has experienced in the past two and a half years,
640 including all our events, the millions of dollars in tax base that will benefit our city and school
641 district for years to come, millions of dollars in road improvements, and so much more. You will
642 be missed.

643
644 Statement by Kevin Moon: Over the past several weeks, I have tried to be diligent in gathering
645 all facts, pros and cons and with all personnel issues, there are details that we can't and shouldn't
646 discuss publicly. Not only that but it's my responsibility to do everything possible to make sure
647 that taxpayer dollars aren't at risk or in a position of liability. I certainly understand the frustration
648 many people have felt and it was equally frustrating for me to be unable to freely discuss details
649 but, I believe I have been able to research all the facts available and that I have done the due
650 diligence that I believe my position requires. As a member of this council, I must move forward
651 supporting the city manager's separation agreement tonight.

652
653 Council Member Traylor thanked the public for speaking out about Chief Lunt. He does support
654 him and feels that way he was treated was horrendous. He will be missed.

655
656 Statement by Mary Penn: Tonight's decision by the council marks the turning point for our city to
657 move forward with the healing process. While there is still so much work ahead of us, the votes
658 tonight have represented the will of the people by majority. Servant leadership should always be
659 at the very core of what we do every day, and our city will accept nothing less.

660
661 It's time to move beyond the discord. It's time to turn the page and write a new chapter, one of
662 restoration, re-building, and togetherness.

663
664 I would be truly remiss if I didn't take a moment to thank every one of you who stood for what's
665 right, sent words of encouragement along way, and didn't give up the fight. Thank you being our
666 city's guiding light in the face of diversity. We have stood strong, in solidarity. We will now be
667 able to face Forney's future together.

668
669 There being no further business to come before the Council, Mayor Penn called for a motion to
670 adjourn. Council Member Traylor made a motion to adjourn at 10:49 p.m. and Council Member
671 Moon seconded the motion. The motion passed unanimously by a vote of 7 ayes and 0 nays.

672
673 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,**
674 **TEXAS, this 30 day of April 2021.**

675
676
677
678 **ATTEST:**

679
680 *Dorothy Brooks*
681 _____
682 **Dorothy Brooks, City Secretary**

Mary Penn

Mary Penn, Mayor

